



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

no right to assume that no person will attempt to cross the track in view of a car, etc., held not offered on the theory of last clear chance.

8. Trial (§ 267 (3)*)—Modification of Instruction by Eliminating Language Explaining Doctrine of Comparative Negligence Not Error.—In an action for injuries to plaintiff's motortruck in collision at a crossing with a street car, where defendant's requested instruction informed the jury they could not find for plaintiff if guilty of any negligence at all which contributed to the collision, modification of such instruction as originally requested by striking out the words "and that his negligence [referring to the negligence of the motorman] was greater than the negligence of the driver," thus eliminating the doctrine of comparative negligence, which is not a part of the law of the state, held not erroneous, though the language might have been allowed to stand.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 709.]

9. Trial (§ 253 (8)*)—Instruction in Action for Injuries to Truck in Collision with Street Car Properly Refused as Ignoring Point for Adverse Party.—In an action for injuries to plaintiff's motortruck in collision with a street car, refusal of the railroad's requested instruction that if the jury believed the truck was driven on the track in front of a moving car less than ten feet away from the point of collision verdict must be for the railroad was proper, as the charge ignored the fact it might have been impossible for the truck driver to stop after the car was within ten feet of the point of collision, a situation possibly brought about by the excessive speed of the car.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 842.]

Error to Hustings Court of Portsmouth.

Action by N. H. Slack Grocery Company, Inc., against the Virginia Railway & Power Company. To review judgment for plaintiff, defendant brings error. Affirmed.

E. R. Williams, of Richmond, and *R. E. Miller*, of Norfolk, for plaintiff in error.

W. H. Starkey, of Norfolk, for defendant in error.

WEST v. WEST.

Jan. 22, 1920.

[101 S. E. 876.]

1. Divorce (§§ 213, 225, 238*)—Husband's Liability for Alimony and Attorney's Fees Not Affected by Previous Unchastity of Wife Where Marriage Consummated with Knowledge Thereof—That wife at time of marriage had had illicit relations with men other

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

than husband and was pregnant with a child of which husband was not the father did not excuse husband from payment of temporary alimony and attorney's fees ordered under Code 1919, § 5107, or permanent alimony decreed under section 5111, where with full knowledge of such facts he consummated the marriage, thereby condoning her previous lapses from virtue.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 742, 754.]

2. Constitutional Law (§ 83 (3)*)—Imprisonment of Husband to Pay Alimony Not Unconstitutional as Imprisonment for Debt.—That imprisonment for debt has been abolished does not preclude court of equity from committing husband to jail for failure to pay alimony, a decree for alimony being essentially different from an ordinary debt or judgment for money, and the imprisonment being ordered, not simply to enforce the payment of money, but to punish for the willful disobedience of a proper order of a court of competent jurisdiction.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 316.]

3. Divorce (§ 231*)—Nature of "Alimony" Stated.—Alimony is an allowance in the nature of a partition of the husband's property of which the wife is entitled to a reasonable share for her maintenance.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 297.]

4. Divorce (§ 269 (2)*)—Husband to Be Imprisoned for Non-payment of Alimony Only Where Contumacious.—Commitment of husband to jail for failure to pay alimony should not be ordered except where it appears that husband is contumacious, but where it so appears there should be no hesitancy in imposing such penalty.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 248.]

5. Divorce (§ 269 (1)*)—Confinement in Jail Proper Punishment for Husband's Refusal to Pay Temporary Alimony.—Where husband was a strong man, 33 years old, at work, was the owner of real estate worth \$800 and a boat used in connection with his business as an oysterman, his refusal to pay \$30 temporary alimony was contumacious defiance of the order of the court, and court properly ordered his confinement in jail as punishment therefor.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 248.]

Appeal from Circuit Court, Gloucester County.

Suit by Mary Sue West against James West. Decree for plaintiff, and defendant appeals. Affirmed.

F. B. Richardson, of Richmond, and *Jno. R. Saunders*, of Saluda, for appellant.

C. S. Smith, Jr., of Gloucester, for appellee.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.